



Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

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FINAL MINUTES FOR SUMMARY ACTION TELECONFERENCE MEETING

Held at 12:00 p.m. on September 28, 2004

9545 E. Doubletree Ranch Road • Scottsdale, Arizona

Board Members

Edward J. Schwager, M.D., Chair
Sharon B. Megdal, Ph.D., Vice Chair
Robert P. Goldfarb, M.D., Secretary
Patrick N. Connell, M.D.
Ingrid E. Haas, M.D.
Tim B. Hunter, M.D.
Becky Jordan
Ram R. Krishna, M.D.
Douglas D. Lee, M.D.
William R. Martin III, M.D.
Dona Pardo, Ph.D., R.N.
Chris Wertheim

Board Counsel

Christine Cassetta, Assistant Attorney General

Staff

Barry A. Cassidy, Ph.D., P.A.-C, Executive Director
Barbara Kane, Assistant Director
Beatriz Garcia Stamps, M.D., M.B.A., Board Medical Director
Gary Oglesby, Chief Information Officer
Tricia Steffey, Board Coordinator
Susan Ahn, Legal Coordinator

CALL TO ORDER

Edward J. Schwager, M.D., Chair, called the meeting to order at 12:02p.m.

ROLL CALL

The following Board Members were present: Edward J. Schwager, M.D., Sharon B. Megdal, Ph.D., Robert P. Goldfarb, M.D., Patrick N. Connell, M.D., Tim B. Hunter, M.D., Becky Jordan, Ram R. Krishna, M.D., Douglas D. Lee, M.D., William R. Martin, III, M.D., and Chris Wertheim. The following Board Members were absent from the meeting: Ingrid E. Haas, M.D., and Dona Pardo, Ph.D., R.N.

CALL TO THE PUBLIC

There was no-one present for the Call to the Public.

TIME SPECIFIC MATTER

NO.	CASE NO.	COMPLAINANT v PHYSICIAN		LIC. #	SUBJECT
1.	MD-04-1038A MD-04-1131A	AMB	KEVEN D. BROCKBANK, M.D.	29044	Summarily Suspend Dr. Brockbank's license.

Wendy Nicholson, Professional Conduct Division Chief, reviewed this case with the Board. The allegations for both cases are that Keven D. Brockbank, M.D., engaged in sexual conduct with a current patient. Ms. Nicholson stated that Dr. Brockbank's practices consist of a small gynecological practice and a larger chronic pain management practice. Both patients involved in these cases were seeing Dr. Brockbank for treatment of chronic pain. Also, both patients allege that sexual misconduct occurred while Dr. Brockbank made home visits to administer pain medication by injection.

TIME SPECIFIC MATTER (Continued)

Edward J. Schwager, M.D., stated that he received a phone call from David Greenberg, M.D., Monitored Aftercare Program (MAP) Consultant, in late August 2004 regarding the process of this case. Dr. Schwager stated that the details of the case were not discussed during that phone conversation and will not affect his ability to adjudicate this case.

Ms. Nicholson clarified for Ram R. Krishna, M.D., that the patient B.P.'s medical records did not include documentation of her medical history or physical examination. Dr. Schwager asked for clarification regarding the prescribing practices that are also alleged in case number MD-04-1131A. Ms. Nicholson informed the Board Members that although this case includes quality of care issues, it is being presented to the Board today with focus on the sexual conduct issues only. Barry A. Cassidy, Ph.D., P.A.-C, Executive Director, stated that while the quality of care issues are significant, Board Staff was not entirely prepared to bring those issues forward for summary suspension.

MOTION: Sharon B. Megdal, Ph.D. moved to Summarily Suspend Dr. Brockbank's license because there is an imminent danger to the public health, safety and welfare and Summary Suspension is necessary in order to protect the public.

SECONDED: William R. Martin, III, M.D.

Dr. Megdal asked if the other open investigations against this physician would be added to this case before going to Formal Hearing. Dean Brekke, Assistant Attorney General, stated that it is unknown if the other cases against Dr. Brockbank will be ready to go to Formal Hearing in 45 days.

ROLL CALL VOTE was taken and the following Board Members voted in favor of the motion: Edward J. Schwager, M.D., Sharon B. Megdal, Ph.D., Robert P. Goldfarb, M.D., Patrick N. Connell, M.D., Tim B. Hunter, M.D., Becky Jordan, Ram R. Krishna, M.D., Douglas D. Lee, M.D., William R. Martin, III, M.D., and Chris Wertheim. The following Board Members were absent from the meeting: Ingrid E. Haas, M.D., and Dona Pardo, Ph.D., R.N.

VOTE: 10-yay, 0-nay, 0-abstain/recuse, 2-absent

MOTION PASSED.

The meeting adjourned at 12:22 p.m.

[Seal]

Barry A. Cassidy, Ph.D., P.A.-C, Executive Director